

1 ROGER A. BERGMANN  
2 STATE BAR NO. 733  
3 A PROFESSIONAL CORPORATION  
4 4947 W. LAKERIDGE TERRACE LANE  
5 RENO, NV 89509

<input checked="checked" type="checkbox"/> FILED <input type="checkbox"/> ENTERED	<input type="checkbox"/> RECEIVED <input type="checkbox"/> SERVED ON COUNSEL/PARTIES OF RECORD
DEC 26 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

6 UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF NEVADA

8 \*\*\*\*\*  
9 THE UNITED STATES OF AMERICA,

10 Plaintiff,

IN EQUITY

11 vs.

3:73-cv-0003-LDG

12 ORR WATER DITCH COMPANY, et. al,

13 Defendant.

14 AGREEMENT OF FUNDING PARTIES FOR APPROVAL OF TRUCKEE RIVER  
15 OPERATING AGREEMENT BUDGET FOR FISCAL YEAR OCTOBER 1, 2019 TO  
16 SEPTEMBER 30, 2020.

17 Pursuant to Section 2.C.3 of the Truckee River Operating Agreement  
18 dated September 6, 2008 the required approval is needed of a majority of the  
19 three Funding Parties, to wit: The United States of America, the State of  
20 California and the State of Nevada.

21 The Federal Water Master, Chad Blanchard, the designated  
22 "Administrator," herein, submits to the Court, that the Court previously  
23 approved by Order signed April 3, 2019, the "tentative" budget for the fiscal  
24 year October 1, 2019 to September 30, 2020, and now resubmits that budget  
25 as his "proposed" budget for the fiscal year October 1, 2019 to September 30,  
26 2020. This Agreement is signed by the required majority of the Funding  
27  
28

Parties, and is attached hereto as Exhibit (A). The proposed budget is the sum of \$1,500,000.00, which sum will be paid from the Funding Parties per their previously agreed percentages as follows:

United States of America	\$ 600,000.00
State of Nevada	600,000.00
State of California	<u>300,000.00</u>
	\$1,500,000.00

The Federal Water Master is asking for the Court to approve this proposed budget.

The Federal Water Master, Chad Blanchard, also submits for approval by the Funding Parties, his proposed tentative budget for the Truckee River Operating Agreement for fiscal years October 1, 2020 to September 30, 2021, as Exhibit "B" attached hereto. The projected budget is the sum of \$1,500,000.00, which sum will be paid from the assessment of the Funding Parties per their previously agreed to percentages as follows:

United States of America	\$ 600,000.00
State of Nevada	600,000.00
State of California	<u>300,000.00</u>
	\$1,500,000.00

The Federal Water Master, Chad Blanchard, also submits for approval by the Funding Parties, his proposed tentative budget for the fiscal year October 1, 2021 to September 30, 2022, as Exhibit "C" attached hereto. The projected budget is the sum of \$1,500,000.00, which sum will be paid from the assessment of the Funding Parties as follows:

United States of America	\$ 600,000.00
State of Nevada	600,000.00
State of California	<u>300,000.00</u>
	\$1,500,000.00

1 These proposed tentative budgets are designed to give the Parties notice,  
2 and ample time to prepare for future budgets for the Truckee River  
3 Operating Agreement and the Water Master proposes to continuously  
4 provide two years of "tentative" budgets along with the "proposed" current  
5 budget. Signatures to this Agreement are not bound by these budgets, as  
6 costs and expenses may vary from year to year as circumstances may change,  
7 and actual budgets are submitted each year. Any and all surpluses of income  
8 over expenses shall be held by the Federal Water Master in a "reserve  
9 contingency" fund to be used for any budget short falls or unanticipated  
10 expenses.  
11

12 The Federal Water Master, Chad Blanchard, also submits to the  
13 Court, for its approval the audited Financial Report for Administration of the  
14 Truckee River Operating Agreement filed for the fiscal year October 1, 2018  
15 to September 30, 2019.  
16

17 This Agreement may be executed in two or more counterparts  
18 (including by facsimile or by an electronic scan delivered by electronic mail),  
19 each of which shall be deemed an original, but all of which together shall be  
20 considered one and the same agreement, and shall become effective when  
21 counterparts have been signed by the majority of the Funding Parties hereto  
22 and delivered to the other Funding Parties, it being understood that the  
23 majority of the Funding Parties need not sign the same counterpart.  
24  
25

26 By executing this document, the parties hereby give their approval  
27 of the Budget as submitted, and submit the same to the Court for its approval.  
28


DATED THIS 8<sup>th</sup> DAY OF November, 2019.

**U.S. DISTRICT COURT WATER MASTER**

By: 

CHAD BLANCHARD

**ROGER A. BERGMANN, A PROFESSIONAL CORPORATION**

By:   
Roger A. Bergmann, Attorney for  
U.S. District Court Water Master

**UNITED STATE OF AMERICA**


BY: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

**STATE OF NEVADA**

By: 

Print Name: Tim Wilson, P.E.

Title: Acting State Engineer

Date: 11/21/19

STATE OF CALIFORNIA

By: \_\_\_\_\_

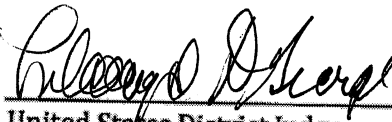
Print Name: \_\_\_\_\_

Title: MIRACRO Chief

Date: 12/3/2019

APPROVED BY THIS COURT.

DATE: March 25, 2020

  
United States District Judge

## **Exhibit "A"**

**In Equity 3:73-cv-0003-LDG**  
U.S. District Court - Chad J Blanchard, TROA Administrator  
Truckee River Operating Agreement Administration

### **Proposed Budget** **Statements of Revenues, Expenses and Retained Earnings** **Fiscal Year ending September 30, 2020**

#### **Budgeted Revenues**

Administrative Fees - United States	\$600,000
Administrative Fees - State of Nevada	\$600,000
Administrative Fees - State of California	\$300,000

**Total Budgeted Revenue** **\$1,500,000**

#### **Budgeted Expenses**

Computer Consulting, Software & Licensing	\$101,302
Depreciation	\$39,157
Habitat Restoration Fund	\$53,927
Hearing Officer	\$35,000
Payroll Taxes	\$35,356
Professional, Legal & Audit Fees	\$80,500
Rent, Telephone, Supplies & Overhead	\$105,950
RiverWare Modeling & Technical Consulting	\$320,000
Stream Gaging & Telemetry Data Retrieval	\$108,670
Travel & Conference	\$17,850
TROA Administration Staff & Benefits	<u>\$626,346</u>

**Total Budgeted Operating Expenses** **\$1,524,057**

**Budgeted Net Income (Loss)** **-\$24,057**  
**Item Not Affecting Working Capital (Depreciation)** **39,157**

**Total Budgeted Working Capital Provided** **\$15,099**  
**Working Capital Applied To Budgeted Equipment Acquisitions** **-17,067**

**Budgeted Increase (Decrease) in Working Capital** **-\$1,967**

## **Exhibit "B"**

In Equity 3:73-cv-0003-LDG  
U.S. District Court - Chad J Blanchard, TROA Administrator  
Truckee River Operating Agreement Administration

### **Tentative Budget** **Statements of Revenues, Expenses and Retained Earnings** **Fiscal Year ending September 30, 2021**

#### **Budgeted Revenues**

Administrative Fees - United States	\$600,000
Administrative Fees - State of Nevada	\$600,000
Administrative Fees - State of California	\$300,000

<b>Total Budgeted Revenue</b>	<b>\$1,500,000</b>
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#### **Budgeted Expenses**

Computer Consulting, Software & Licensing	\$82,852
Depreciation	\$47,499
Habitat Restoration Fund	\$55,275
Hearing Officer	\$35,000
Payroll Taxes	\$38,827
Professional, Legal & Audit Fees	\$84,880
Rent, Supplies & Overhead	\$108,647
RiverWare Modeling & Technical Consulting	\$300,000
Stream Gaging & Telemetry Data Retrieval	\$114,441
Travel & Conference	\$18,296
TROA Administration Staff & Benefits	<u>\$658,298</u>

<b>Total Budgeted Operating Expenses</b>	<b>\$1,544,016</b>
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<b>Budgeted Net Income (Loss)</b>	<b>-\$44,016</b>
<b>Item Not Affecting Working Capital (Depreciation)</b>	<u>47,499</u>

<b>Total Budgeted Working Capital Provided</b>	<b>\$3,483</b>
<b>Working Capital Applied To Budgeted Equipment Acquisitions</b>	<u>-20,000</u>

<b>Budgeted Increase (Decrease) in Working Capital</b>	<b>-\$16,517</b>
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## **Exhibit "C"**

In Equity 3:73-cv-0003-LDG  
U.S. District Court - Chad J Blanchard, TROA Administrator  
Truckee River Operating Agreement Administration

### **Tentative Budget**

**Statements of Revenues, Expenses and Retained Earnings**  
**Fiscal Year ending September 30, 2022**

#### **Budgeted Revenues**

Administrative Fees - United States	\$600,000
Administrative Fees - State of Nevada	\$600,000
Administrative Fees - State of California	\$300,000

<b>Total Budgeted Revenue</b>	<b>\$1,500,000</b>
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#### **Budgeted Expenses**

Computer Consulting, Software & Licensing	\$86,995
Depreciation	\$49,874
Habitat Restoration Fund	\$54,325
Hearing Officer	\$35,000
Payroll Taxes	\$42,641
Professional, Legal & Audit Fees	\$89,124
Rent, Supplies & Overhead	\$107,600
RiverWare Modeling & Technical Consulting	\$300,000
Stream Gaging & Telemetry Data Retrieval	\$115,022
Travel & Conference	\$18,754
TROA Administration Staff & Benefits	<u>\$691,911</u>

<b>Total Budgeted Operating Expenses</b>	<b>\$1,591,246</b>
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<b>Budgeted Net Income (Loss)</b>	<b>-\$91,246</b>
Item Not Affecting Working Capital (Depreciation)	<u>49,874</u>

<b>Total Budgeted Working Capital Provided</b>	<b>-\$41,372</b>
Working Capital Applied To Budgeted Equipment Acquisitions	<u>-20,000</u>

<b>Budgeted Increase (Decrease) in Working Capital</b>	<b>-\$61,372</b>
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